

REMARKS

Claims 1-8 and 10-19 are currently pending in the application. Claims 3-8 and 13-19 have been amended to introduce and/or pluralize the term “phytoestrogen.” This amendment finds support in the specification which describes, for example, a supplement having genistein, and/or biochanin A: daidzein and/or formononetin in a ratio of between 1:2 to 2:1. *See* WO 93/23069 at page 8. Claim 13 has also been amended to remove the period after “mg”. The removal of the period after “mg” follows modern grammatical convention. Thus, these amendments introduce no new matter.

With these amendments, claims 1-8 and 10-19 are pending for examination in the application.

Examiner Interview

Applicant thanks the Examiner for speaking with Applicant’s representative telephonically on October 24, 2006, and on January 8, 2007.

Rejection of Claims 3-8 and 13-19 under 35 U.S.C. § 112, Second Paragraph

Claims 3-8 and 13-19 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter. *See* OA at 2. Specifically, the Examiner stated that the limitations “said phytoestrogen” or “the phytoestrogen” lacked antecedent basis because the claims from which claims 3-8 and 14-19 depend recite multiple phytoestrogens. *Id.* at 3. In addition, claim 13 was noted as reciting the limitation “said isoflavone.” *Id.* Again, the Examiner asserted that this claim lacked antecedent basis because claim 11 recites multiple phytoestrogens. *Id.*

Solely to facilitate prosecution, Applicant amends the claims to pluralize the term

“phytoestrogen.” Claim 3 now recites:

3. (currently amended) The method according to claim 1, wherein said phytoestrogens are ~~[[is]]~~ extracted from soy.

Claims 4-8 and 14-19 have been similarly amended.

With this amendment, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 3-8 and 14-19 under 35 U.S.C. § 112, second paragraph.

Objections to Claim 13

In the Office Action, claim 13 was objected to for several grammatical reasons, and for lack of antecedent basis of the term “said isoflavone.” OA at 2.

Solely to facilitate prosecution, Applicant agrees to amend the claim to introduce and pluralize the term “phytoestrogen” and to remove the period after “mg.”

Thus, claim 13, as amended, reads:

13. (currently amended) A pharmaceutical preparation, as claimed in claim 12, wherein said ~~isoflavone~~ is phytoestrogens are present in said solid dosage unit in an amount from about 20 mg~~[[.]]~~ to about 200 mg~~[[.]]~~ per dosage unit.

With this amendment, Applicant respectfully requests reconsideration and withdrawal of the objections to claim 13.

CONCLUSION

Applicant believes this paper addresses all outstanding objections and rejections, and puts the application in condition for allowance. Applicant therefore respectfully requests the consideration and timely allowance of the pending claims. Please do not hesitate to call the undersigned at (650) 849-6607 if you have any questions.

If there is any fee due in connection with the filing of this Response, please charge the fee
to Deposit Account No. 06-0916.

Respectfully submitted,
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GARRETT & DUNNER, L.L.P.

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